

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
SEP 12 2007



UNITED STATES OF AMERICA,

CR 07-40039-3

Plaintiff,

-vs-

ORDER

LAURI ANN STEVENS,

Defendant.

The Defendant has requested an amendment to her Judgment to state that her federal sentence shall run concurrently with her state sentence. (Doc. 116.) The amendment is requested in order to allow Defendant to receive credit for the time she is serving on her state sentence. At the sentencing hearing on August 6, 2007, the Defendant was in federal custody. The Court was aware Defendant had committed the federal offense while on parole for a state conviction, but the Court was not aware Defendant would be taken into state custody before serving her federal sentence. Defendant was, however, taken into state custody and sent to the women's prison in Pierre, South Dakota. Defendant will serve her federal sentence upon completion of her state sentence. Her lawyer has been told that Defendant will not receive credit on her federal sentence for any time she is serving while in the custody of the State of South Dakota. Prior to the August 6 sentencing hearing, Defendant's lawyer spoke to a representative of the South Dakota Board of Pardons and Paroles and was informed that Defendant would not be taken into state custody until after she had served her federal sentence. Her lawyer was led to believe that Defendant would receive credit on her state revocation sentence for the time she would serve on the federal conviction.

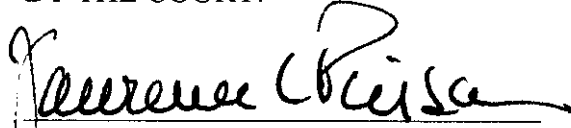
The government does not oppose the amendment requested by Defendant. (Doc. 121.) The Judgment will be amended so that Defendant is serving her federal sentence concurrently with her state sentence. Accordingly, pursuant to Rule 36 of the Federal Rules of Criminal Procedure,

IT IS ORDERED that the Imprisonment section on page 2 of the Judgment shall be amended to read as follows:


The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: one hundred thirty-two (132) months, with such term to run concurrently with defendant's state court sentence.

Dated this 12th day of September, 2007.

BY THE COURT:


Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: 
(SEAL) DEPUTY